

House File 543 - Introduced

HOUSE FILE 543

BY THOMSON and DIEKEN

A BILL FOR

1 An Act requiring all ballots to be cast in secret, and making
2 penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 49.84, subsection 1, paragraph c, Code
2 2023, is amended to read as follows:

3 c. (1) If the precinct has automatic tabulating equipment
4 that will not permit more than one ballot to be inserted at
5 a time, the voter may insert the ballot into the tabulating
6 device; otherwise, the election official shall place the ballot
7 in the ballot box. An identifying mark or symbol shall not be
8 endorsed on the voter's ballot.

9 (2) A voter shall not insert a ballot into the tabulating
10 device or surrender a ballot to an election official to be
11 placed in the ballot box unless one person from each political
12 party who has been appointed to serve on a challenging
13 committee pursuant to section 49.104, subsection 1, paragraph
14 "b", swears under penalty of perjury that the person has
15 personal knowledge that the ballot was cast in secret only by
16 the voter authorized to cast the ballot.

17 Sec. 2. Section 53.23, subsection 5, Code 2023, is amended
18 to read as follows:

19 5. a. The special precinct election board shall preserve
20 the secrecy of all absentee and provisional ballots. After
21 the affidavits on the envelopes have been reviewed and the
22 qualifications of the persons casting the ballots have been
23 determined, those that have been accepted for counting shall
24 be opened not been rejected pursuant to section 53.25 shall be
25 reviewed as provided in paragraph "b". The

26 b. After the special precinct election board has reviewed a
27 ballot as provided in paragraph "a" and not rejected the ballot
28 pursuant to section 53.25, one person from each political
29 party serving as a challenger pursuant to subsection 4 shall
30 swear under penalty of perjury that the person has personal
31 knowledge that the ballot was cast in secret only by the voter
32 who completed the affidavit on the envelope. Otherwise, the
33 ballot shall be rejected.

34 c. After the ballots have been reviewed as provided in
35 paragraph "b", the ballots that have not been rejected shall be

1 removed from the affidavit envelopes or return envelopes marked
2 with the affidavit, as applicable, without being unfolded or
3 examined, and then shall be thoroughly intermingled, after
4 which they shall be unfolded and tabulated. If secrecy folders
5 or envelopes are used with provisional paper ballots, the
6 ballots shall be removed from the secrecy folders after the
7 ballots have been intermingled.

8 Sec. 3. Section 53.25, subsection 1, paragraph a, Code 2023,
9 is amended to read as follows:

10 a. If the absentee voter's affidavit lacks the voter's
11 signature, if the applicant is not a duly registered voter on
12 election day in the precinct where the absentee ballot was
13 cast, if the envelope marked with the affidavit contains more
14 than one ballot of any one kind, if the ballot was not cast in
15 secret, or if the voter has voted in person, such vote shall
16 be rejected by the absentee and special voters precinct board.
17 If the affidavit envelope or return envelope marked with the
18 affidavit is open, or has been opened and resealed, or if the
19 ballot is not enclosed in such envelope, and an affidavit
20 envelope or return envelope marked with the affidavit with
21 the same serial number and marked "Replacement ballot" is not
22 attached as provided in [section 53.18](#), the ballot shall be
23 rejected by the absentee and special voters precinct board.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill relates to the secrecy of ballots. The bill
28 requires that before a voter voting at the polls on election
29 day surrenders a ballot to be tabulated, one person from
30 each political party who has been appointed to serve on a
31 challenging committee swears under penalty of perjury that
32 that person has personal knowledge that the ballot was cast in
33 secret only by the voter authorized to cast the ballot. The
34 bill also requires that, after the special precinct election
35 board has reviewed and not rejected an absentee or provisional

1 ballot, before the ballot is separated from the affidavit
2 envelope, one person from each political party serving as a
3 challenger swears under penalty of perjury that that person
4 has personal knowledge that the ballot was cast in secret only
5 by the voter who completed the affidavit on the envelope.
6 Otherwise, the bill requires the ballot to be rejected.
7 A person who commits perjury is guilty of a class "D" felony.
8 A class "D" felony is punishable by confinement for no more
9 than five years and a fine of at least \$1,025 but not more than
10 \$10,245.